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November 5, 2024

Doyle v. Gentile, No. 1:21-cv-08528-LTS-OTW

Dear Judge Wang:

We write on behalf of Counterclaim Plaintiff Kevin Doyle to request an extension to the fact discovery and trial readiness deadlines.

Under the current schedule, fact discovery is set to close November 5, 2024, and the trial readiness date is set for December 9, 2024. (ECF No. 93.) These deadlines assumed that document production would be complete by August 23, 2024. (*Id.*)

As Your Honor is aware, Counterclaim Defendants instructed their former counsel not to produce the relevant documents by this deadline. (Oct. 10, 2024 Hearing Tr. 6: 7-11 (“Grant Eisenhofer collected documents. We’ve had them for several months . . . but we have been instructed not to produce the documents.”).) Therefore, these documents were not produced until October 31, 2024, following a Court order. (ECF No. 110.)

Because of Counterclaim Defendants’ delay in producing the most key documents in the case, the parties have not yet been able to take depositions. Moreover, the production revealed that Counterclaim Defendants’ infringing conduct was far more widespread than previously understood. For years after Mr. Doyle filed his counterclaim, Counterclaim Defendants directly distributed infringing material to at least 20 industry participants. On top of that, their agents sent infringing materials to a “target list” of 21 separate production companies (including, among others, Fox, ABC, Jerry Bruckheimer Television, and production companies affiliated with Charlize Theron, Kerry Washington, and Regina King), many of whom held pitch meetings in which Counterclaim Defendants tried to sell the works at issue. The production further revealed that, in spring of 2023, Counterclaim Defendants were in talks with A&E networks to produce the work at a budget of “\$400,000 to \$500,00 per episode.”¹

¹ Grant & Eisenhofer marked all documents in Counterclaim Defendants’ production “Confidential”, notwithstanding the fact that there is no protective order in this case and there is no basis to treat the documents as “Confidential”. However, out of an abundance of caution, Mr. Doyle has not attached the documents to this letter, but will provide them to the Court for review if requested.

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In light of all of this new information, Mr. Doyle requires additional time to conduct additional third party discovery.² Accordingly, Mr. Doyle requests the below modification to the schedule to allow sufficient time for depositions and third party discovery.

Event	Current Deadline	Proposed Deadline
Close of Fact Discovery	November 5, 2024	February 1, 2025
Trial Readiness	December 9, 2024	March 10, 2025

Counterclaim Defendants object to this request. The discovery deadlines have previously been extended. (ECF Nos. 71-72 (seeking an extension of discovery deadlines); 92-92-1 (requesting extension to allow Counterclaim Defendants to complete document production); 100-101 (Counterclaim Defendants seeking extension to document production to accommodate their former counsel's motion to withdraw)).

Respectfully,

/s/ Hannah Dwyer

Hannah Dwyer

The Honorable Ona T. Wang
 United States District Court for the Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl St., Room 20D
 New York, NY 10007

VIA CM/ECF

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² In June 2023, around the same time Counterclaim Defendants were widely distributing these materials, Mr. Doyle served written discovery, seeking the identities of all individuals to whom Counterclaim Defendants distributed or pitched the Untitled Wyoming Project. In their verified responses, Counterclaim Defendants did not disclose any of the entities or individuals we have since identified by reviewing their production.

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VIA EMAIL AND FIRST CLASS MAIL TO LAST KNOWN ADDRESS

CERTIFICATE OF SERVICE

I hereby certify that, on November 5, 2024, I caused a true and correct copy of the foregoing November 5, 2024 letter to Judge Ona T. Wang to be served: (1) on Juan Antonio Crawford via electronic mail at iamjantonio@gmail.com; and (2) on Christopher Gentile via electronic mail at chrisgunome@gmail.com. I further certify that, on November 6, 2024, I served Mr. Gentile via first class mail at his last known address, 825 Center Street, #28D, Jupiter, FL 33458 on November 6, 2024.

Dated: November 5, 2024

/s/ Hannah Dwyer

Hannah Dwyer